

## **Exhibit 25**

*State of California ex. rel. Ven-A-Care of the Florida Keys, Inc. v.  
Abbott Laboratories, Inc., et al.*

Exhibit to the Declaration of Rita Hanscom in Support of Plaintiffs' Sur-Reply in  
Opposition to Dey, Inc. and Dey, L.P.'s Motion for Partial Summary Judgment

Sacramento, CA

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UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

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STATE OF CALIFORNIA, ex rel

VEN-A-CARE OF THE FLORIDA KEYS, INC.,

A Florida Corporation,

Plaintiffs,

vs.

MDL No. 1456

ABBOTT LABORATORIES, INC.,

Master File No.

Et al.,

01-12257-PBS

Defendants.

Civil Action No.

\_\_\_\_\_/ 03-11226-PBS

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TUESDAY, OCTOBER 21, 2008

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30 (b) (6) VIDEOTAPE DEPOSITION OF

MAUREEN TOOKER

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Reported By: PATRICIA MCCARTHY, CSR No. 12888

Registered Professional Reporter

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1 file itself.

2 Q. If there is an MAIC of -- a maximum  
3 allowable ingredient cost figure, is that something  
4 that can be looked up through the RAIS system?

5 A. Yes.

6 Q. Okay. There are some -- there are some  
7 publications that publish something called WAC.

8 Have you ever heard of that?

9 A. Yes, I have.

10 MR. ROBBEN: I think we need to change  
11 the tape.

12 VIDEOGRAPHER: This is the end of Tape 1,  
13 Volume I of the deposition of 36(b) -- excuse me,  
14 30(b)(6) Witness Maureen Tooker.

15 We are off the record at 11:34 a.m.

16 (Discussion off the record)

17 VIDEOGRAPHER: This is the beginning of  
18 Tape 2, Volume I of the 30(b)(6) deposition of  
19 Maureen Tooker.

20 We are on the record at 11:39 a.m.

21 BY MR. ROBBEN:

22 Q. Is the WAC for any given NDC available

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1 through the RAIS system?

2 A. No, it is not.

3 Q. Okay. So it's not for any NDC?

4 A. No.

5 Q. Now, I take it, that the Department of  
6 Health Care Services uses e-mail, correct?

7 A. Yes, it does.

8 Q. When was e-mail implemented at the  
9 department?

10 A. As I stated before, I don't remember  
11 before '96.

12 Q. Okay. So -- okay.

13 Do you know the name of the e-mail  
14 program that is used, or has been used from '96  
15 forward?

16 A. Well, we use Microsoft Office.

17 Q. Okay. Has that been what's been used  
18 since '96?

19 A. Outlook. Outlook. Sorry.

20 Q. Outlook.

21 A. I believe so.

22 Q. And you believe that has been used since

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1 THE WITNESS: Okay. Thank you.

2 MR. ROBBEN: Okay. So do you have any  
3 questions?

4 MR. PAUL: No, not for 30(b)(6) purposes.

5 MR. ROBBEN: Okay. So do you want to  
6 take a lunch break now?

7 MR. PAUL: That is fine.

8 MR. ROBBEN: Okay.

9 VIDEOGRAPHER: We are off the record at  
10 11:44 a.m.

11 (Thereupon a lunch recess was taken at  
12 11:44 a.m. and the deposition resumed at 12:56  
13 p.m.)

14 VIDEOGRAPHER: We are back on the record  
15 at 12:56 p.m.

16 EXAMINATION

17 BY MS. BERWANGER:

18 Q. Again, for the record, my name is Lara  
19 Berwanger. I am representing Sandoz Inc, the  
20 defendant in this case.

21 Previously, you said that WAC information  
22 was not stored in the RAIS system?

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1 A. That is correct.

2 Q. Was WAC information for any NDC stored  
3 anywhere in the Medi-Cal system?

4 A. No.

5 Q. Assuming that a WAC was reported to the  
6 publishing compendium for a specific NDC if  
7 Medi-Cal wanted to store that information, could  
8 they request it from EDS?

9 A. I am not sure I understand the question.

10 Q. If Medi-Cal had wanted to start  
11 receiving WAC information, would there have been a  
12 way for Medi-Cal to do that?

13 A. Only if First DataBank had it in their  
14 files.

15 Q. And if First DataBank had it in their  
16 files, how would Medi-Cal have requested that  
17 information?

18 A. We would have to write a system  
19 development notice to EDS to bring that information  
20 in because currently we do not.

21 Q. And if Medi-Cal wanted to, they could  
22 have requested that from EDS, correct?

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1 Q. And when was that? I think you  
2 testified earlier.

3 A. January 1st, 1997.

4 Q. So beginning in 1997, if a communication  
5 such as this one were sent to DHS, it would have  
6 been entered into a spread -- or some of the  
7 information on there would have been entered into a  
8 spreadsheet?

9 A. Correct.

10 Q. And maintained by the department?

11 A. By EDS.

12 Q. By EDS.

13 MR. BENNETT: That's all I have.

14 MR. PAUL: I just have a couple of  
15 questions.

16 EXAMINATION

17 BY MR. PAUL:

18 Q. MS. Tooker, why does DHS at the time,  
19 DHCS now, not get WAC information from First  
20 DataBank?

21 A. I can't answer that question.

22 Q. Does -- to your knowledge, does DHCS

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1 have to pay for information, for pricing  
2 information it gets from First DataBank?

3 A. Yes, it does.

4 Q. And do you know what it pays for that  
5 pricing information?

6 A. At this point, no.

7 Q. When you say "at this point," did you  
8 know at some point?

9 A. I knew under the last contract. I don't  
10 know what we are paying under this contract.

11 Q. And what was it under the last contract?

12 A. It was 15,000 a month.

13 Q. For one pricing item?

14 A. For one file from First DataBank.

15 Q. All right. One file, could you explain  
16 what is on a file like --

17 A. That was the customized file that we  
18 were getting from First DataBank at the time.

19 Q. All right. So that file included the  
20 pricing information that DHS did want?

21 A. Correct.

22 Q. But you don't know how much DHS would



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1 have to pay for an additional piece of information  
2 on that file?

3 A. No, I do not.

4 Q. And when did that contract as to which  
5 you have just claimed some knowledge as to the  
6 amount of money paid, when did that expire?

7 A. July 1st, 2002.

8 MR. PAUL: Okay. That's all I have.

9 VIDEOGRAPHER: This concludes today's  
10 deposition of the 30(b)(6) Witness Maureen Tooker.  
11 We are off the record at 1:09 p.m.

12 (Thereupon the deposition was adjourned  
13 at 1:09 p.m.)

14  
15 --o0o--

16 Signed under penalty of perjury:

17  
18  
19 \_\_\_\_\_  
20 MAUREEN TOOKER  
21 \_\_\_\_\_

22 Date